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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,330	09/23/2003	John Hane	57132.000007	1649

21967 7590 10/20/2005

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EXAMINER

HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,330

Applicant(s)

HANE, JOHN

Examiner

Travis R. Hunnings

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-39 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 09 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-8, 10, 13, 15, 19-22, 24, 27, 29 and 33-39 are again rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dubats (US Patent 5,559,496) for the record.

Regarding claim 1, Dubats discloses *Remote Patrol System* that has the following claimed subject matters:

The claimed detecting means for detecting the presence of an intruder in a predetermined area or a plurality of predetermined areas is met by the one or more object sensors detecting the presence or intrusion in one or more monitored areas (col1 44-49);

The claimed communicating means for communicating via satellite signals to a processing center the detection of the presence of the intruder in the predetermined area or in one or more of the plurality of predetermined areas is met by the communication link consisting of a satellite link and providing indication to the base

station of events that are caused by an intrusion into one of the one or more monitored areas (col2 4-11);

The claimed satellite signals encode data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas is met by the monitored area transceiver transmitting modulated data that the base station demodulates to determine the site that sent the signal (col6 1-13).

Regarding claim 5, Dubats discloses all of the claimed limitations. The claimed security system wherein the detecting means comprises a detection apparatus interface is met by the remote monitor station having one or more object sensors that is interfaced with the transceiver that sends signals to the base station to alert the base station of an intrusion in the monitored area (col1 39-49 and col2 4-11).

Regarding claim 6, Dubats discloses all of the claimed limitations. The claimed security system wherein the processing center comprises a provider antenna for transmitting and/or receiving satellite signals is met by the base station transceiver that is set up to receive signals of intrusion and also to send messages to the remote monitors to instruct them on the desired reporting mode (col1 39-49 and col2 20-44). The communication link associated between the base station and remote monitors would inherently have an antenna to accomplish the satellite communications as suggested in column 2, lines 4-11.

Regarding claim 7, Dubats discloses all of the claimed limitations. The claimed security system wherein the predetermined area or plurality of predetermined areas is operatively associated with a subscriber antenna at a subscriber location is met by the remote monitor having a transceiver that is associated with a communication link to the base station (col1 39-49 and col2 4-11). The term 'subscriber' is interpreted to mean a location associated with the central processing center that is being monitored. The communication link associated between the base station and remote monitors would inherently have an antenna to accomplish the satellite communications as suggested in column 2, lines 4-11.

Regarding claim 8, Dubats discloses all of the claimed limitations. The claimed security system wherein the detection of the intruder activates the transmission of satellite signals is met by the data transmission of intrusion events being instantaneous to the events being detected by the remote monitors (col2 4-11).

Regarding claim 10, Dubats discloses all of the claimed limitations. The claimed security system wherein the detection of the intruder alters the frequency of the satellite signals is met by the data transmission of intrusion events being instantaneous to the events being detected by the remote monitors (col2 4-11). The frequency of the signals when an intrusion is not detected is zero because there are no signals being sent and

when the intrusion is detected the frequency of the signals changes because a signal is then sent to the base station.

Regarding claim 13, Dubats discloses all of the claimed limitations. The claimed security system further comprising processing means at the processing center for processing satellite signals encoding data alerting said processing center to the presence of the intruder in the predetermined area or plurality of predetermined areas is met by the base station consisting of a microprocessor and software code instructions that allows the computer to interpret event and date information received from monitored areas (col2 20-44).

Regarding claim 15, Dubats discloses the following claimed subject matters:

The claimed detecting means at a subscriber location for detecting the presence of an intruder in a predetermined area or a plurality of predetermined areas is met by the one or more object sensors detecting the presence or intrusion in one or more monitored areas (col1 44-49). The term 'subscriber' is interpreted to mean a location associated with the central processing center that is being monitored;

The claimed communicating means for communicating via satellite signals to a processing center the detection of the presence of the intruder in the predetermined area or in one or more of the plurality of predetermined areas is met by the communication link consisting of a satellite link and providing indication to the base

station of events that are caused by an intrusion into one of the one or more monitored areas (col2 4-11);

The claimed processing means at the processing center for receiving and processing the satellite signals to produce a local response is met by the base station consisting of a microprocessor and software code instructions that allows the computer to interpret event and date information received from monitored areas (col2 20-44);

The claimed satellite signals encode data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas is met by the monitored area transceiver transmitting modulated data that the base station demodulates to determine the site that sent the signal (col6 1-13).

Regarding claim 19, the claim is interpreted and rejected as claim 5 stated above.

Regarding claim 20, the claim is interpreted and rejected as claim 6 stated above.

Regarding claim 21, the claim is interpreted and rejected as claim 7 stated above.

Regarding claim 22, the claim is interpreted and rejected as claim 8 stated above.

Regarding claim 24, the claim is interpreted and rejected as claim 10 stated above.

Regarding claim 27, the claim is interpreted and rejected as claim 13 stated above.

Regarding claim 29, Dubats discloses the following claimed subject matters:

The claimed communicating means for communicating via satellite signals to a processing center the detection of the presence of the intruder in the predetermined area or in one or more of the plurality of predetermined areas is met by the communication link consisting of a satellite link and providing indication to the base station of events that are caused by an intrusion into one of the one or more monitored areas (col2 4-11);

The detecting interface means for operatively associating the communicating means with detecting means being able to detect the presence of an intruder in the predetermined area or in one or more of the plurality of predetermined areas is met by the one or more object sensors detecting the presence or intrusion in one or more remote monitor areas and being associated with a remote monitor transceiver that is associated with a communication link that is able to communicate with the base station

and alert the base station to the event of an intrusion in one or more of the remote monitor areas (col1 39-49, col2 4-11 and 20-44);

The claimed satellite signals encode data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas is met by the monitored area transceiver transmitting modulated data that the base station demodulates to determine the site that sent the signal (col6 1-13).

Regarding claim 33, the claim is interpreted and rejected as claim 5 stated above.

Regarding claim 34, the claim is interpreted and rejected as claim 6 stated above.

Regarding claim 35, the claim is interpreted and rejected as claim 7 stated above.

Regarding claim 36, Dubats discloses the following subject matters:

The claimed subscriber antenna at a subscriber location for communicating via satellite signals to a processing center the detection of the presence of an intruder in a predetermined area or in a plurality of predetermined areas is met by the remote monitor transceiver being associated with a communication link that alerts the base

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station when the one or more object sensors at the remote monitor detect an intrusion (col1 39-49 and col2 4-11). The communication link associated between the base station and remote monitors would inherently have an antenna to accomplish the satellite communications as suggested in column 2, lines 4-11. The term 'subscriber' is interpreted to mean a location associated with the central processing center that is being monitored;

The claimed detection interface apparatus capable of operatively associating with means for detecting the presence of an intruder in the predetermined area or in one or more of the plurality of predetermined areas is met by the one or more object sensors detecting the presence or intrusion at a remote monitor area (col1 39-49);

The claimed satellite signals encode data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas is met by the monitored area transceiver transmitting modulated data that the base station demodulates to determine the site that sent the signal (col6 1-13).

Regarding claim 37, the claim is interpreted and rejected as claim 6 stated above.

Regarding claim 38, Dubats discloses the following claimed subject matters:

The claimed method comprising detecting the presence of an intruder in a predetermined area or a plurality of predetermined areas is met by the one or more

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object sensors detecting the presence or intrusion in one or more monitored areas (col1 44-49);

The claimed method comprising communicating via satellite signals to a processing center the detection of the presence of the intruder in the predetermined area or in one or more of the plurality of predetermined areas is met by communication link being a satellite link and the remote monitor transmitting the event when an intrusion is detected across the communication link to the base station (col1 39-49 and col2 4-11);

The claimed method comprising satellite signals encoding data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas is met by the monitored area transceiver transmitting modulated data that the base station demodulates to determine the site that sent the signal (col6 1-13).

Regarding claim 39, Dubats discloses the following claimed subject matters:

The claimed method comprising detecting the presence of an intruder in a predetermined area or a plurality of predetermined areas is met by the one or more object sensors detecting the presence or intrusion in one or more monitored areas (col1 44-49);

The claimed method comprising communicating via satellite signals to a processing center the detection of the presence of the intruder in the predetermined area or in one or more of the plurality of predetermined areas is met by communication

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link being a satellite link and the remote monitor transmitting the event when an intrusion is detected across the communication link to the base station (col1 39-49 and col2 4-11);

The claimed method comprising receiving and processing at the processing center the satellite signals to produce a local response is met by the base station consisting of a microprocessor and software code instructions that allows the computer to interpret event and date information received from monitored areas (col2 20-44);

The claimed method comprising satellite signals encoding data alerting the processing center to the presence of said intruder in said predetermined area or said one or more of the plurality of predetermined areas is met by the monitored area transceiver transmitting modulated data that the base station demodulates to determine the site that sent the signal (col6 1-13).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 16 and 30 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Dubats in view of Dillon et al. (Dillon; US Patent 6,658,463) for the record.

Regarding claim 2, Dubats discloses all of the claimed limitations except for the claimed security system wherein the communicating means comprises a satellite return channel. Dillon discloses *Satellite Multicast Performance Enhancing Multicast HTTP Proxy System And Method* that teaches using a satellite return channel to accomplish two-way communication in common satellite networks (col3 58-67). Utilizing a satellite return channel in the device of Dubats would accomplish the two-way communication needed by the communication link when the remote monitor and base stations communicate with each other. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Dubats according to the teachings of Dillon to use a satellite return channel to accomplish the two-way communication.

Regarding claims 16 and 30, the claims are interpreted and rejected as claim 2 stated above.

5. Claims 3, 4, 17, 18, 31 and 32 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Dubats in view of Taylor (US Patent 6,643,510) for the record.

Regarding claim 3, Dubats discloses all of the claimed limitations except for the claimed security system wherein the satellite signals are transmitted at a DBS frequency. Taylor discloses *Mobile Platform Real Time Availability And Content*

Scheduling System And Method that teaches a satellite communication link that operates on the DBS frequency (col7 10-19). Configuring the device of Dubats to operate the communication link on a satellite frequency that is concurrent with the DBS frequency would be beneficial because the DBS frequency is a common frequency used by satellite systems. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Dubats according to the teachings of Taylor to set up the satellite signals to operate in the DBS frequency range.

Regarding claim 4, Dubats discloses all of the claimed limitations except for the claimed security system wherein the satellite signals are transmitted at a FSS frequency. Taylor teaches a satellite communication link that operates on the FSS frequency (col7 10-19). Configuring the device of Dubats to operate the communication link on a satellite frequency that is concurrent with the FSS frequency would be beneficial because the FSS frequency is a common frequency used by satellite systems. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Dubats according to the teachings of Taylor to set up the satellite signals to operate in the FSS frequency range.

Regarding claims 17 and 31, the claims are interpreted and rejected as claim 3 stated above.

Regarding claims 18 and 32, the claims are interpreted and rejected as claim 4 stated above.

6. Claims 9 and 23 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Dubats in view of Stadler (US Patent 6,764,261) for the record.

Regarding claim 9, Dubats discloses all of the claimed limitations except for the claimed security system wherein the detection of the intruder interrupts the transmission of satellite signals. Stadler discloses *Locking Device And Method For Catch Basin And Manhole Covers, And The Like* that teaches a device that monitors for the occurrence of a specific security event and constantly sends out signals from the device to a remote location, upon the detection of the specific security event the device halts sending the signals so the remote location can determine that the event has occurred (col4 57-63). Altering the reporting mode of the device of Dubats to constantly send signals to the base station until an intrusion is detected by the one or more object sensors would not only allow the device to detect the intrusion but it would also allow it to detect a fault in the system if a particular component failed in the communication link as that too would cause an event condition. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Dubats according to the teachings of Stadler to alter the reporting mode so that detection of intrusion would stop the transmission of satellite signals.

Regarding claim 23, the claim is interpreted and rejected as claim 9 stated above.

7. Claims 11 and 25 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Dubats in view of Jang (US Patent 6,614,884) for the record.

Regarding claim 11, Dubats discloses all of the claimed limitations except for the claimed security system wherein the frequency of the satellite signals corresponds to a predetermined security condition. Jang discloses *Automatic Home Alarm System And Method* that teaches a security system with a plurality of monitored areas, each monitored area has a sensor that is assigned a particular frequency when it reports to the signal-receiving unit (col4 33-47). Modifying the communication link of Dubats to assign each monitored area a particular frequency would help the base station to determine which particular area is reporting an intrusion event. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Dubats according to the teachings of Jang to assign each particular monitored area a particular frequency.

Regarding claim 25, the claim is interpreted and rejected as claim 25 stated above.

8. Claims 12, 14, 26 and 28 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Dubats in view of Dohrmann (US Patent 6,577,234) for the record.

Regarding claim 12, Dubats discloses all of the claimed limitations except for the claimed security system further comprising selection means for selecting an active or inactive mode for the security system. Dohrmann discloses *Security System* that teaches a security system that has a selection means for arming and disarming the security system (col1 41-58). Adding a selection means to Dubats to allow for the system to be turned active or inactive would add flexibility to the device and allow for the device to be turned off in particular areas that do not need to be monitored all of the time. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Dubats according to the teachings of Dohrmann to include selection means to set the security system in an active or inactive mode.

Regarding claim 14, Dubats discloses all of the claimed limitations except for the claimed security system further comprising means for providing local response to the detection of the intruder. Dohrmann teaches a local response to the triggering of the security system (col1 41-58). Adding a means for local response to Dubats would allow for notification of the intrusion event to users who are within the vicinity of the remote monitored areas and allow them to react accordingly. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device

disclosed by Dubats according to the teachings of Dohrmann to include a local response in the security system.

Regarding claim 26, the claim is interpreted and rejected as claim 12 stated above.

Regarding claim 28, the claim is interpreted and rejected as claim 14 stated above.

Response to Arguments

9. Applicant's arguments filed 9 August 2005 have been fully considered but they are not persuasive. Applicant argues the following:

Argument A: applicant argues that the Dubats reference fails to disclose the claimed limitation directed to satellite signals encoding data alerting the processing center.

Argument B: applicant argues that the combination of Dubats and Dillon is improper and based on hindsight rejection. Applicant also argues that there is no proper statement of motivation.

Argument C: applicant argues that the combination of Dubats and Taylor is improper and based on hindsight rejection. Applicant also argues that there is no proper statement of motivation to use DBS and FSS frequency ranges.

Argument D: applicant argues that the combination of Dubats and Stadler is improper and based on hindsight rejection. Applicant also argues that there is no proper statement of motivation.

Argument E: applicant argues that the combination of Dubats and Jang is improper and based on hindsight rejection. Applicant also argues that there is no proper statement of motivation.

Argument F: applicant argues that the combination of Dubats and Dohrmann is improper and based on hindsight rejection. Applicant also argues that there is no proper statement of motivation.

Responses:

With regard to argument A, Dubats discloses a system that is operable to be used in many applications including security applications (column 1, lines 5-7) including a base station and one or more remote monitors (column 1, lines 39-43). The remote monitors transmit digital or modulated data over a communication link to the base station (column 6, lines 1-13). The communication link can be one of many different communication types including a satellite link (column 2, lines 4-11), which can be seen by figure 1 of Dubats. The remote monitors of this invention clearly transmit digital or modulated (encoded) data from the monitored areas to the base station in order to alert the base station (processing center) of events that have occurred at the remote monitoring area (column 4, lines 12-39).

With regard to argument B, the statements of motivation to combine can be found in the rejection to claims 2, 16 and 30 stated above.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, it would have been obvious to combine the two references because Dubats discloses a non-specific satellite communication link for transmitting information from the remote monitors to the base station and Dillon discloses a specific satellite system that one of ordinary skill in the art would have used for the communication protocol.

With regard to argument C, the statements of motivation to combine can be found in the rejection to claims 3, 4, 17, 18, 31 and 32 stated above.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, it would have been obvious to combine the two references because

Dubats discloses a non-specific satellite communication link for transmitting information from the remote monitors to the base station and Taylor discloses a specific satellite system that one of ordinary skill in the art would have used for the communication protocol.

With regard to argument D, the statements of motivation to combine can be found in the rejection to claims 9 and 23 stated above.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, it would have been obvious to combine the two references because both Dubats and Stadler disclose remote monitoring security systems that alert a remote base station that a specific event has occurred and the Stadler device implements a constant reporting scheme that is interrupted when the event occurs. One of ordinary skill in the art would have realized that this scheme not only allows for the same function of alarm reporting as Dubats, but it also provides a malfunction-type alarm which would alert the base station that there was a problem with the remote monitor when it stopped transmitting the signal, either due to an alarm or a malfunction and therefore the user would be alerted to any malfunctions which would be able to be fixed promptly.

With regard to argument E, the statements of motivation to combine can be found in the rejection to claims 11 and 25 stated above.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, it would have been obvious to combine the two references because they both are directed to remote monitoring/alarm systems that transmit alarm information from a remote site to a central station while the Jang device assigns a different frequency to identify which particular sensor or event had been triggered/occurred. One of ordinary skill in the art would have realized that by assigning a different frequency to each alarm event or sensor triggered would have given the device a quick and easy way to determine what event had occurred at the remote area.

With regard to argument F, the statements of motivation to combine can be found in the rejection to claims 12, 14, 26 and 28 stated above.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, it would have been obvious to combine the two references because they are both directed to security systems while the Dohrmann system includes additional features including active/inactive modes and local alarms. One of ordinary skill in the art would have realized that these additional functions would be beneficial when added to Dubats in order to provide additional functionality to the user.

With regard to arguments B-F, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

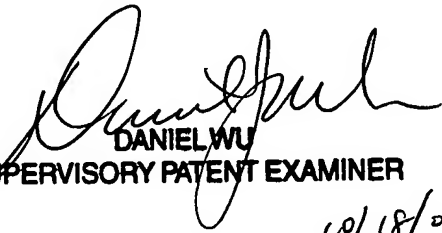
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH


DANIEL WU
SUPERVISORY PATENT EXAMINER
10/18/05